

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	DATE FILED: _____
v.	:	CRIMINAL NO. _____
DAVID COLLINS HAMILTON GWALTNEY	:	VIOLETIONS: 18 U.S.C § 1951 (Conspiracy to interfere with interstate commerce by robbery - 1 count) 18 U.S.C. § 1951 (Interference with interstate commerce by robbery - 2 counts) 18 U.S.C. § 371 (Conspiracy to commit armed bank robbery - 1 count) 18 U.S.C. § 2113(d) (Armed bank robbery - 1 count) 18 U.S.C. § 924(c)(1) (Carrying a firearm during a crime of violence - 3 counts) 18 U.S.C. § 2 (Aiding and abetting)

I N D I C T M E N T

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, Sunoco-A-Plus, 5801 Roosevelt Boulevard, Philadelphia, Pennsylvania, was a business engaged in interstate commerce.

THE CONSPIRACY

2. On or about October 14, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

DAVID COLLINS and
HAMILTON GWALTNEY

conspired and agreed together to obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, in that the defendants agreed to unlawfully take and obtain currency from a business engaged in interstate commerce, in the presence of employees of that business, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property in his control, all in violation of Title 18, United States Code, Sections 1951(a), 1951(b)(1) and 1951(b)(3).

MANNER AND MEANS

3. It was part of the conspiracy to rob a commercial business by use of force, threats of force and violence, and through the use of a shotgun.

OVERT ACTS

In furtherance of the conspiracy and to effect the object of the conspiracy, the following overt acts, among others, were committed in Philadelphia, and elsewhere, in the Eastern District of Pennsylvania on or about October 14, 2003:

Sunoco-A-Plus Robbery, Philadelphia, PA

1. Defendants DAVID COLLINS and HAMILTON GWALTNEY drove to the area of 5801 Roosevelt Boulevard, Philadelphia, Pennsylvania in order to commit the robbery of the Sunoco-A-Plus.

2. Defendant DAVID COLLINS went into the Sunoco-A-

Plus, armed with a shotgun, and took cash, while defendant HAMILTON GWALTNEY waited in the getaway car.

3. Defendant DAVID COLLINS fired the shotgun at the door of the Sunoco-A-Plus to make his getaway.

4. Defendants DAVID COLLINS and HAMILTON GWALTNEY fled from the scene in the getaway car.

All in violation of Title 18, United States Code, Sections 1951(a), 1951(b)(1) and 1951(b)(3).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 of Count One of this indictment are incorporated here.

2. On or about October 14, 2003, in the Eastern District of Pennsylvania, defendants

DAVID COLLINS and
HAMILTON GWALTNEY

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, by robbery, in that the defendants unlawfully took and obtained personal property, and aided and abetted the unlawful taking and obtaining of personal property, that is, United States currency valued at approximately \$125, belonging to Sunoco-A-Plus, from an employee, against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property.

In violation of Title 18, United States Code, Sections 1951(a), 1951(b)(1) and 1951(b)(3) and 2(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 of Count One of this indictment are incorporated here.

2. On or about October 14, 2003, in the Eastern District of Pennsylvania, defendant

DAVID COLLINS

knowingly used and carried a firearm, that is, a shotgun, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, the conspiracy to interfere with interstate commerce by robbery and the interference with interstate commerce by robbery of Sunoco-A-Plus, as charged in this indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to the indictment, Family Deli, 1500 Church Street, Philadelphia, Pennsylvania, was a business engaged in interstate commerce.

2. On or about October 14, 2003, in the Eastern District of Pennsylvania, defendant

DAVID COLLINS

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, by robbery, in that DAVID COLLINS unlawfully took and obtained personal property, that is, United States currency valued at approximately \$150, belonging to Family Deli, from an employee, against her will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to her person and property.

In violation of Title 18, United States Code, Sections 1951(a), 1951(b)(1) and 1951(b)(3).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 14, 2003, in the Eastern District of Pennsylvania, defendant

DAVID COLLINS

knowingly used and carried a firearm, that is, a shotgun, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, the interference with interstate commerce by robbery of Family Deli, as charged in this indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, the deposits of Third Federal Savings Bank, 2601 Orthodox Street, Philadelphia, Pennsylvania were and are insured by the Federal Deposit Insurance Corporation.

2. On or about October 16, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

DAVID COLLINS and
HAMILTON GWALTNEY

conspired and agreed together to commit armed bank robbery, in violation of Title 18, United States Code, Sections 2113(a) and 2113(d), that is, the armed robbery of the Third Federal Savings Bank.

MANNER AND MEANS

3. It was part of the conspiracy to rob a bank by use of force, threats of force and violence, and through the use of a shotgun.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Eastern District of Pennsylvania on or about October 16, 2003:

1. Defendants DAVID COLLINS and HAMILTON GWALTNEY drove to the area of 2601 Orthodox Street, Philadelphia, Pennsylvania in order to commit the armed robbery of the Third Federal Savings Bank.

2. Defendant DAVID COLLINS went into the Third Federal Savings Bank, armed with a shotgun, while defendant HAMILTON GWALTNEY waited in the getaway car.

3. Defendant DAVID COLLINS aimed the shotgun at bank personnel, and ordered bank employees to put cash into a trash bag.

4. Defendant DAVID COLLINS fled from the bank with approximately \$9,851 in cash.

5. Defendants DAVID COLLINS and HAMILTON GWALTNEY fled from the scene.

All in violation of Title 18, United States Code, Section 371.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 16, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

DAVID COLLINS and
HAMILTON GWALTNEY

knowingly and unlawfully by force and violence, and by intimidation, took, and aided and abetted the taking, from employees of the Third Federal Savings Bank, 2601 Orthodox Street, Philadelphia, Pennsylvania, lawful currency of the United States, that is, approximately \$9,851, belonging to, and in the care, custody, control, management and possession of the Third Federal Savings Bank, the deposits of which were and are insured by the Federal Deposit Insurance Corporation, and in so doing, defendants DAVID COLLINS and HAMILTON GWALTNEY knowingly and unlawfully assaulted and put in jeopardy the lives of the employees of the Third Federal Savings Bank, by use of a dangerous weapon, that is, a shotgun.

In violation of Title 18, United States Code, Sections 2113(d), and 2(a).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 16, 2003, in the Eastern District of Pennsylvania, defendant

DAVID COLLINS

knowingly used and carried a firearm, that is, a shotgun, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, the armed bank robbery of Third Federal Savings Bank, as charged in this indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney